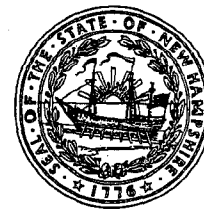




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

June 6, 2005

**Certified Mail
Return Receipt Requested**

**Letter of Deficiency
No. WMD 05-11**

Richard Hatch
Albee Road
Landaff, NH 03585

Re: SWC 04-068; Albee Road, Landaff, NH

Dear Mr. Hatch:

On January 19, 2005, and March 31, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of property located at Albee Road, Landaff, NH ("Site"). The purpose of the inspection was to determine your compliance status with RSA 149-M and rules adopted pursuant thereto relative to the proper management of solid waste.

During the January 19, 2005 inspection, DES personnel observed two large piles of solid waste consisting of, but not limited to, scrap metal, riding and push lawn mowers, duct work, kitchen ranges, and furniture at the Site.

During the March 31, 2005 inspection, DES personnel observed that a large pile of solid waste had been burned. The pile contained the remains of furniture, plywood, metal, glass, plastic, and wood.

This letter serves to inform you that the above referenced Site conditions constitute violations of RSA 149-M, specifically:

RSA 149-M:9, I	Operating an unpermitted solid waste facility.
RSA 149-M:9, II	Failure to dispose of solid waste at a permitted solid waste facility.
Env-Wm 2702.02(e)	Burning solid waste other than as allowed by Env-A 1000.

DES believes that the cited deficiencies can be corrected by completing the following requested remedial actions within the time indicated:

1. **Immediately** cease operating an unpermitted solid waste facility.
2. **Immediately** cease disposing of solid waste at an unpermitted solid waste facility.
3. **Immediately** cease burning solid waste.
4. **Within 14 days** of the date of this letter, collect a representative sample of the ash and have the ash analyzed using EPA test method Method 6010 or 6020, as described in EPA publication SW-846 "Test

Methods for Evaluating Solid Waste, Physical/Chemical Methods." Please contact a certified laboratory to obtain sample containers and proper sampling instructions. A list of certified laboratories is enclosed for your use.

5. Submit test results to DES by **June 30, 2005**, at the address noted below.
6. Remove the remaining solid waste from the burn pile at the Site, specifically scrap metal, scrap metal, riding and push lawn mowers, duct work, kitchen ranges, plywood, glass, plastic, wood, and furniture by **July 8, 2005**, to a solid waste facility permitted to handle such wastes. Solid wastes may not be transported to or disposed at an unpermitted facility.
7. Remove all ash at the Site by **July 8, 2005**, to a facility permitted to handle such waste.
8. By **July 15, 2005**, submit to DES written confirmation that these steps have been completed, including **copies of all disposal receipts and analytical results** for the solid waste and ash, at the address below.

Please address all correspondence and reports regarding this matter to:

Michael Galuszka, Waste Management Specialist
Department of Environmental Services
80 Glen Road
Gorham, NH 03581
Fax: (603) 466-5148

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you, including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

Your prompt cooperation is appreciated. Please contact Michael Galuszka at (603) 466-5389 if you have any questions or need further assistance.

Sincerely,

COPY

Paul Heirtzler, P.E., Esq.
Administrator
Waste Management Programs

Certified Mail RRR#: 7000 0600 0023 9932 1455

CC: DB/File/Town
Anthony P. Giunta, P.G., Director, WMD
Gretchen Hamel, DES Legal Unit Administrator
Kerry Barnsley, DES Enforcement Attorney
Pam Monroe, ARD
Town of Landaff